

Housing Resource Manual

PART 3: TENANTS & LANDLORDS- RIGHTS & RESPONSIBILITIES



There are many laws and regulations covering the rights and responsibilities of tenants and landlords. It is important to remember that these laws work both ways; as a tenant, you are entitled to such things as a reasonable notice before the landlord enters your unit, to live in a unit that meets local building codes, and to receive specific notice before a landlord can evict you. However, you must also meet the conditions of your verbal or written agreement with the landlord, which means paying your rent on time, not disturbing other tenants with their right to the peaceful and quiet enjoyment of their apartments, and maintaining your unit in good condition.

A very brief outline of some basic rights and responsibilities for landlords and tenants follows:

A. Tenants have the right to:

- live in decent, safe, and sanitary housing;
- have repairs performed in a timely manner, upon request;
- be given reasonable notice, typically 24 hours, of any non-emergency entry into your apartment;
- equal and fair treatment without regard to race, color, religion, gender, disability, familial status, national origin, income source, or age;
- at least a 30 day written notice of rent increases;
- at least a 30 day written notice of eviction (without cause);
- a 7-day written notice to move out if the rent payment is seven or more days late or the property is being used in violation of the lease;
- have at least one operating smoke detector within your apartment, provided by the landlord

B. Tenants' responsibilities include, but are not limited to:

- comply with the written or verbal lease, rental, tenant, house rules, or other agreement(s) between landlord and tenant;
- meet requirements of subsidy programs, if any;
- keep your unit clean and sanitary and in the same general physical condition as when you moved in;
- conduct yourself, family, and guests in a manner that will not interfere with the peaceful and quiet enjoyment of other tenants;

- pay your rent in full when it is due;
- notify the landlord as soon as there is a problem or defect with the unit or its services and systems;
- allow the landlord to enter the unit to make needed repairs;
- give at least a 30 day written notice (ending on a rent due date) of intent to move out;
- pay the required security deposit;
- not damage the unit and ensure that guests do not damage it either.

C. Landlords have the right to:

- keep a security deposit if tenants damage the unit or owe rent money, provided a written statement from the landlord is given to you within 30 days of termination of tenancy;
- evict tenants for non-payment of rent or other violations of the landlord/tenant agreement;
- evict tenants, without cause, provided a 30 day written notice is given;
- expect tenants not to infringe on the peaceful enjoyment of other tenants;
- sell property left behind when tenants move out (after they follow the appropriate legal process);
- charge up to two months' rent for a security deposit.

D. Landlords' responsibilities include, but are not limited to:

- follow all applicable laws relating to evicting a tenant;
- give tenants reasonable prior notice of intent to enter the unit to make needed repairs;
- provide safe and healthy housing including, but not limited to, notification of Lead Based Paint, provision of smoke detector(s);
- provide a minimum level of heat (unless the tenants pay for the heat for the unit);
- comply with the terms of a written lease agreement, if one exists;
- give written notice of eviction.

E. Fair Housing

The term "fair housing" actually covers a number of different state and federal laws that offer protection to specific groups of people, known as "protected classes." Belonging to a "protected class" means that you cannot be discriminated against because you belong to one of those classes. The laws also spell out the responsibilities of landlords with regard to persons with disabilities.

1. Protected Classes

The protected classes are as follows: race, color, sex, disability, religion, ancestry/national origin, familial status, and receipt of any form of federal, state, or local public assistance.



Landlords cannot refuse to show or rent a unit because a person is a member of one of the "protected classes" listed above.

2. Reasonable Accommodations and Reasonable Modifications

A reasonable accommodation is a change in any rule, policy, procedure, or service if the changes are needed in order for a person to have equal access and enjoyment of their housing. A common example is allowing a service animal in a no pet building.

A reasonable modification is a structural or other physical change that may be made in the unit or to the housing structure. This change should be needed in order to provide equal access and enjoyment of the unit. A common example is a ramp over a stair at a building's entrance.

According to Fair Housing Laws, "reasonable" means that the action requested by the individual with the disability does not cause an undue financial burden to the housing provider, does not cause a basic change in the nature of the housing programs available, will not cause harm or damage to others, and is technologically possible.

You can only be denied your request if it infringes on the rights of other tenants or if it alters a building's basic programs or services.

Since accommodations are usually a change in policy, no cost is usually involved. If there is a cost, the housing provider is responsible.

For modifications, if the housing provider is assisted by the government, the housing provider is responsible for the cost. Private housing providers are not required to pay for modifications, but they must allow the tenant, at his or her own expense, to make the necessary modifications. Also note that landlords can ask that the unit be restored and an escrow account be established.

It is important to remember that the individual must request whatever reasonable accommodations or modifications are needed. A housing provider cannot anticipate your needs or requirements. You should notify the housing provider of your request in writing so it is documented and your needs are communicated clearly.

3. Applicability

The Fair Housing laws cover all housing except:

- The rental of a two family dwelling where one unit is occupied by the owner;
- The rental of four or fewer rooms in a single family dwelling when the owner lives there too;
- The rental of any dwelling owned by a religious corporation to its members, except when discrimination is based on race, color or national origin.



To make a Fair Housing complaint see Appendix B for contact information.

Alpha One is a non-profit organization providing communities with information, services and products that create opportunities for people with disabilities to live independently. For more information you can reach them at (800) 499-2357 or on the web at www.alpha-one.org